

06821/06258

AMENDMENTS TO THE CLAIMS

Please cancel claims 8-13, 19-23, 25, 27, 30, 34-36, and 40 without prejudice or disclaimer.

Please amend claims 1-7, 14, 15, 17, 18, 24, 26, 28, 29, 31-33, and 37-39 as follows:

- up!
1. (currently amended) A flooring system supported by a concrete slab of a building structure comprising: a wood subfloor supported by the concrete slab; a wood finished floor supported by the wood subfloor; a moisture and condensation barrier layer coated onto the wood subfloor, the moisture and condensation barrier layer comprising a non-vulcanized, cured liquid rubberized coating material having a thickness sufficient to prevent moisture and condensation from penetrating ~~from below~~ through the moisture and condensation barrier layer ~~to above the moisture and condensation barrier layer~~.
 2. (currently amended) A flooring system as defined in claim 1 wherein the moisture and condensation barrier layer has about a 6-to-8-mil thickness of the non-vulcanized, cured liquid rubberized coating material.
 3. (currently amended) A flooring system as defined in claim 1 further comprising: a radiant heating system supported by the concrete slab and disposed under the wood subfloor and the moisture and condensation barrier layer, the radiant heating system providing heat to the flooring system and the building structure; and wherein the moisture and condensation barrier layer prevents moisture and condensation from penetrating ~~from the radiant heating system to above~~ through the moisture and condensation barrier layer.
 4. (currently amended) A flooring system as defined in claim 1 wherein the non-vulcanized, cured liquid rubberized coating material cures into a solid after being coated onto the wood subfloor.
 5. (currently amended) A flooring system as defined in claim 1 wherein the wood subfloor comprises a plurality of wood boards having the non-vulcanized, cured liquid rubberized coating material coated onto the wood boards.

06821/06258

6. (currently amended) A flooring system as defined in claim 5 wherein: the non-vulcanized, cured liquid rubberized coating material is coated onto only one side of the wood boards; and the wood boards are placed in the wood subfloor with the coated side face down.

7. (currently amended) A flooring system as defined in claim 5 wherein: the non-vulcanized, cured liquid rubberized coating material is coated onto only one side of the wood boards; and the wood boards are placed in the wood subfloor with the coated side face up.

8. (canceled)

9. (canceled)

10. (canceled)

11. (canceled)

12. (canceled)

13. (canceled)

14. (currently amended) A method of forming a flooring system supported by a concrete slab in a building structure comprising: coating a plurality of wood boards with a moisture and condensation barrier material having a non-vulcanized, cured liquid rubberized coating material; placing the coated wood boards onto the concrete slab to form a wood subfloor having a moisture and condensation barrier that prevents moisture and condensation from penetrating ~~from below through the moisture and condensation barrier to above the moisture and condensation barrier~~; and installing a wood finished floor over the wood subfloor.

15. (currently amended) A method as defined in claim 14 further comprising: coating the wood boards with the non-vulcanized, cured liquid rubberized coating material that cures into a non-tacky solid to form the moisture and condensation barrier material.

16. (original) A method as defined in claim 14 further comprising: before placing the coated wood boards onto the concrete slab, installing a radiant heating system onto the concrete slab, the radiant heating system being for heating the flooring system and the building structure;

06821/06258

and placing the coated wood boards over the radiant heating system to prevent moisture and condensation from reaching the wood finished floor from the radiant heating system.

17. (currently amended) A method as defined in claim 14 further comprising: coating only one side of each wood board; and placing the wood boards onto the concrete slab with the one coated side face down to prevent moisture and condensation from penetrating ~~from below~~ through the moisture and condensation barrier to the wood subfloor and wood finished floor.

18. (currently amended) A method as defined in claim 14 further comprising: coating only one side of each wood board; and placing the wood boards onto the concrete slab with the one coated side face up to prevent moisture and condensation from penetrating ~~from below~~ through the moisture and condensation barrier to the wood finished floor.

19. (canceled)

20. (canceled)

21. (canceled)

22. (canceled)

23. (canceled)

24. (currently amended) A building construction material comprising: a wood board; and a moisture and condensation barrier comprising a non-vulcanized, cured liquid rubberized coating material coated onto the wood board and covering only part of the surfaces of the wood board, the moisture and condensation barrier having a non-tacky surface and a thickness sufficient to prevent moisture and condensation from penetrating through said ~~from below through the~~ moisture and condensation barrier ~~layer to above the moisture and condensation barrier layer~~.

25. (canceled)

26. (currently amended) A building construction material as defined in claim 24 wherein the moisture and condensation barrier has about a 6-to-8-mil thickness of the non-vulcanized, cured liquid rubberized coating material.

06821/06258

27. (canceled)

28. (currently amended) A building construction material for use as a barrier to moisture penetration in ~~a portion of a building structure~~, comprising:

a wood board; and

YB!
cont a moisture barrier having a non-tacky surface and comprising a non-vulcanized, cured liquid rubberized coating material coated onto covering only part of the surfaces of the wood board and forming a barrier to prevent moisture penetration into the wood board from a portion of the building structure exposed to moisture.

29. (currently amended) A building structure, at least a portion of which comprises a building construction material as defined in claim 28 wherein the portion of the building structure includes a floor of the building structure, wherein said building construction material comprises a wood board having a moisture barrier covering at least a portion of the surfaces of the wood board, and wherein said moisture barrier has a non-tacky surface and comprises a non-vulcanized, cured liquid rubberized coating material coated onto the wood board.

30. (canceled)

31. (currently amended) A building ~~structure construction material~~ as defined in claim ~~28~~ 29 wherein the portion of the building structure that comprises the building construction material is exposed to moisture conditions and wherein the moisture barrier bars moisture penetration from the moisture exposed portion of the building structure to a dry portion of the building structure.

32. (currently amended) A building ~~structure construction material~~ as defined in claim ~~28~~ 31 having a floor which comprises a wood-finished floor and a subfloor, wherein the moisture exposed portion of the building structure is the subfloor, which is at least periodically subject to moisture conditions, and wherein the dry portion of the building structure is the wood-finished floor, which is intended to be kept dry from moisture conditions.

33. (currently amended) A building ~~structure construction material~~ as defined in claim ~~28~~ 31 wherein the rubberized coating material is coated onto at least one coated side of the wood board and the wood board building construction material is installed placed in the portion of the

06821/06258

~~building structure with the moisture barrier coated side facing toward the moisture conditions exposed portion of the building structure.~~

34. (canceled)

35. (canceled)

36. (canceled)

37. (currently amended) A building construction material for use as a barrier to moisture penetration in a building structure, comprising:

a wood board; and

a moisture barrier having a non-tacky surface, comprising an elastomeric membrane comprising non-vulcanized rubber which is coated onto ~~at least three sides only part of the surfaces of the~~ wood board and ~~forming~~ forms a barrier to prevent moisture penetration into ~~from a portion of the wood board exposed to moisture to a dry portion thereof.~~

38. (currently amended) A building construction material as defined in any one of claims 24, 28 or 37 wherein the wood board has a generally elongated cubicle shape with six sides, and the ~~elastomeric membrane moisture barrier is a liquid rubberized coating material which is coated onto~~ entirely covers the surfaces of only at least five sides of the wood board.

39. (currently amended) A building construction material as defined in any one of claims 24, 28 or 37 wherein the ~~moisture barrier liquid rubberized coating material of the moisture barrier is coated onto all six sides~~ entirely covers the surfaces of at least one side but not more than five sides of the wood board.

40. (canceled)

41. (new) A building construction material as recited in any one of claims 24, 28 or 37 wherein the wood board has a generally elongated cubicle shape with six sides, and the moisture barrier entirely covers the surface of only one side of the wood board.

06821/06258

42. (new) A building construction material as recited in any one of claims 24, 28 or 37 wherein the moisture and condensation barrier entirely covers the surfaces of only two sides of the wood board.

43. (new) A building construction material as recited in any one of claims 24, 28 or 37 wherein the moisture and condensation barrier entirely covers the surfaces of only three sides of the wood board.

44. (new) A building construction material as recited in any one of claims 24, 28 or 37 wherein the moisture and condensation barrier entirely covers the surfaces of only four sides of the wood board.

45. A building structure as recited in claim 31 wherein the building construction material is installed with the moisture barrier facing away from the moisture conditions.
